

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Joseph Smith,

vs.

Civil No. 5:03-CV-1146

City of Utica, et al.

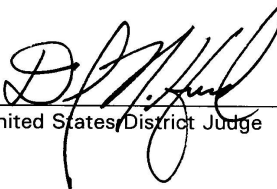
ORDER AND JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

The Court has been advised by counsel that this action is settled and the terms of same having been dictated for the record in open Court on August 26, 2005 at Utica, New York. Therefore, it is not necessary that this action remain upon the calendar of the Court.

IT IS ORDERED that the above entitled action is hereby dismissed with prejudice on the merits in accordance with the terms of settlement. The Court retains complete jurisdiction to vacate this Order and to reopen the action should it be deemed that further litigation is necessary.

IT IS FURTHER ORDERED that the Clerk shall forthwith serve copies of this Judgment by electronic mail upon the attorneys for the parties appearing in this action.

Dated this 25th, day of August, 2005 at Utica, New York.


United States District Judge